

REMARKS

Reconsideration of the January 29, 2003 Official Action is respectfully requested.

The various issues raised in the Official Action are discussed in the order in which they appear in the Official Action.

Claims 1, 2, 14-16, 18, 26-27 and 29-32 stand rejected under 35 USC §112, second paragraph for the reasons set forth in paragraph 1, on page 2 of the Official Action. The claims have been revised to address the Examiner's comments. Regarding the Examiner's question as to the "size of the heat degradable particle", it should be noted that a terminology mean average particle size refers to the maximum size of the particle. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Claims 1, 6-13, 16-18 and 20-25 stand rejected under 35 USC §102(b) as allegedly being unpatentable over U.S. Patent No. 2,992,647 ("Figge"). The reasons for the rejection are set forth in paragraph 2, on page 3 of the Official Action. This rejection is respectfully traversed for the following reasons.

Claim 1 sets forth a cigarette comprising a cigarette paper wrapper having heat-degradable filler particles, wherein said heat-degradable filler particles are capable of being dissipated during smoking of the cigarette to increase the porosity of the cigarette paper wrapper. The combinations of features recited in Claim 1 and in the claims dependent thereon are not disclosed or suggested by Figge.

Claim 18 sets forth a cigarette paper wrapper comprising heat-degradable filler particles, wherein said heat-degradable filler particles are capable of being dissipated to increase porosity of the cigarette paper wrapper during smoking of a cigarette incorporating

the cigarette paper wrapper. The combinations of features recited in Claim 18 and in the claims dependent thereon are not disclosed or suggested by Figge.

As indicated above, Claim 1 is directed to a cigarette which comprises heat-degradable filler particles in a cigarette paper wrapper and Claim 18 is directed to a cigarette paper wrapper comprising heat-degradable filler particles. In contrast, Figge discloses a paper or wrapper which includes holes which are filled with materials which melt or sublime at low temperatures. Accordingly, Figge fails to disclose or suggest a cigarette paper wrapper having heat-degradable filler particles therein. As such, withdrawal of this ground of rejection is respectfully requested.

Claims 1, 6-8, 12, 16-18 and 20-22 stand rejected under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 4,784,164 ("Adam"). The reasons for the rejection are set forth in paragraph 3, on pages 3-4 of the Official Action. This rejection is respectfully traversed for the following reasons.

Adam is directed to a wrapper material which includes apertures filled with a coating of material which melts during smoking of a cigarette. Accordingly, Adam fails to disclose or suggest a cigarette paper wrapper having heat-degradable filler particles therein. As such, withdrawal of this ground of rejection is respectfully requested.

Claims 1, 3, 4-10, 14-18, 24 and 26-27 stand rejected under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 3,526,904 ("Tamol"). The reasons for the rejection are set forth in paragraph 4, on page 4 of the Official Action. This rejection is respectfully traversed for the following reasons.

Tamol discloses a cigarette wrapper which includes holes which are covered by a film of a substance which is disintegrated by the action of smoke constituents during burning of the tobacco (Abstract of Tamol). Accordingly, Tamol fails to disclose or suggest a cigarette paper wrapper having heat-degradable filler particles therein. As such, withdrawal of this ground of rejection is respectfully requested.

Claims 2-5 and 19 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Figge. The reasons for the rejection are set forth in paragraph 5, on page 5 of the Official Action. This rejection is respectfully traversed for the following reasons.

As explained above, Figge fails to disclose or suggest the combinations of features recited in Claims 1 and 18. As Claims 2-5 and 19 depend from Claims 1 and 18, it is submitted that Claims 2-5 and 19 are patentable over Figge for at least the reasons discussed above. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Claims 1, 9, 10, 16-18, 23-24 and 28-35 stand rejected under 35 USC §103(a) as allegedly being unpatentable over U.S. Patent No. 4,607,647 ("Dashley"). The reasons for the rejection are set forth in paragraph 6, on pages 5-6 of the Official Action. This rejection is respectfully traversed for the following reasons.

Dashley discloses a low sidestream paper for a smoking article wherein the paper has a substantially uniform distribution of a stain resist substance (column 1, lines 47-51 of Dashley). Dashley discloses that the substances are applied as a "coating" to the paper in emulsion solution or other suitable form (paragraph bridging columns 1-2 of Dashley). Further, while the coating may be added to the paper at the papermaking stage, Dashley fails

to disclose or suggest a cigarette paper wrapper having heat-degradable filler particles therein. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Claims 1, 9, 11, 16-18 and 23 stand rejected under 35 USC §103(a) as allegedly being unpatentable over U.S. Patent No. 5,105,837 ("Barnes") in view of U.S. Patent No. 5,878,754 ("Peterson"). The reasons for the rejection are set forth in paragraph 8, on page 7 of the Official Action. This rejection is respectfully traversed for the following reasons.

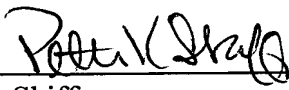
Barnes discloses a wrapper chemically treated with a burn retardant in order to substantially reduce the burn-out of the cellulosic content of the paper while maintaining the desired consistency and amount of air to the periphery of a burning fuel element during lighting and throughout smoking (column 7, lines 34-41 of Barnes). The burn retardant is incorporated into a base innerwrap and/or outerwrap during processing and a char-lightening agent and other additives are applied to the outerwrap as a coating (column 7, lines 55-59 of Barnes). The porosity of the base wrapper is stated to be decreased by application of the coating and that after lighting of the smoking article the coating decomposes so that the porosity of the coated paper approaches that of the base wrapper (column 7, lines 59-65 of Barnes). Accordingly, Barnes fails to disclose or suggest a cigarette paper wrapper having heat-degradable filler particles therein. Because Peterson fails to cure the deficiencies of Barnes, the combination of Barnes and Peterson cannot possibly suggest the combinations of features recited in Claims 1 and 18. As such, withdrawal of this ground of rejection is respectfully requested.

It is submitted that the differences between the claimed subject matter and the prior art are such that the claimed subject matter, as a whole, would not have been obvious at the time the invention was made to a person having ordinary skill in the art.

In view of the foregoing, it is submitted that the present application is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Peter K. Skiff
Registration No. 31,917

P.O. Box 1404
Alexandria, VA 22313-1404
(703) 836-6620

Date: May 21, 2003